



Sen. Steve Stadelman

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LRB101 09907 AWJ 59247 a

1 AMENDMENT TO SENATE BILL 2052

2 AMENDMENT NO. _____. Amend Senate Bill 2052 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Local Government Property Transfer Act is
5 amended by changing Sections 1 and 2 as follows:

6 (50 ILCS 605/1) (from Ch. 30, par. 156)

7 Sec. 1. When used in this Act:

8 (a) The term "transferor municipality" shall mean a
9 municipal corporation transferring real estate or any interest
10 therein, under the provisions of this Act.

11 (b) The term "transferee municipality" shall mean a
12 municipal corporation or 2 or more school districts operating a
13 cooperative or joint educational program pursuant to Section
14 10-22.31 of the School Code receiving a transfer of real estate
15 or any interest therein under provisions of this Act.

16 (c) The term "municipality" whether used by itself or in

1 conjunction with other words, as in (a) or (b) above, shall
2 mean and include any municipal corporation or political
3 subdivision organized and existing under the laws of the State
4 of Illinois and including, but without limitation, any city,
5 village, or incorporated town, whether organized under a
6 special charter or under the General Act, or whether operating
7 under the commission or managerial form of government, county,
8 school districts, trustees of schools, boards of education, 2
9 or more school districts operating a cooperative or joint
10 educational program pursuant to Section 10-22.31 of the School
11 Code, sanitary district or sanitary district trustees, forest
12 preserve district or forest preserve district commissioner,
13 park district or park commissioners, airport authority and
14 township.

15 (d) The term "restriction" shall mean any condition,
16 limitation, qualification, reversion, possibility of
17 reversion, covenant, agreement or restraint of whatever kind or
18 nature, the effect of which is to restrict the use or ownership
19 of real estate by a municipality as defined in (c) above.

20 (e) The term "corporate authorities" shall mean the members
21 of the legislative body of any municipality as defined in (c)
22 above.

23 (f) The term "held" or any form thereof, when used in
24 reference to the interest of a municipality in real estate
25 shall be taken and construed to refer to and include all of the
26 right, title and interest of such municipality of whatever kind

1 or nature, in and to such real estate.

2 (g) Each of the terms above defined and the terms contained
3 in the definition of each of said terms shall be taken and
4 construed to include the plural form thereof.

5 (h) The term "Local Improvement Act" shall mean an Act of
6 the General Assembly of the State of Illinois entitled "An Act
7 concerning local improvements," approved June 14, 1897, and the
8 amendments thereto.

9 (i) The term "State of Illinois" shall mean the State of
10 Illinois or any department, commission, board or other agency
11 of the State.

12 (j) "Public agency" means a municipality or county of the
13 State of Illinois and any combination of municipalities and
14 counties pursuant to an intergovernmental agreement that
15 includes provisions for a governing body of the agency created
16 by the agreement.

17 (Source: P.A. 96-783, eff. 8-28-09.)

18 (50 ILCS 605/2) (from Ch. 30, par. 157)

19 Sec. 2. If the territory of any municipality shall be
20 wholly within, coextensive with, or partly within and partly
21 without the corporate limits of any other municipality, or if
22 the municipality is a school district and the territory of the
23 school district is adjacent to the boundaries of any other
24 school district, and the first mentioned municipality (herein
25 called "transferee municipality"), shall by ordinance declare

1 that it is necessary or convenient for it to use, occupy or
2 improve any real estate held by the last mentioned municipality
3 (herein called the "transferor municipality") in the making of
4 any public improvement or for any public purpose, the corporate
5 authorities of the transferor municipality shall have the power
6 to transfer all of the right, title and interest held by it
7 immediately prior to such transfer, in and to such real estate,
8 whether located within or without either or both of said
9 municipalities, to the transferee municipality upon such terms
10 as may be agreed upon by the corporate authorities of both
11 municipalities, in the manner and upon the conditions
12 following:

13 (a) If such real estate shall be held by the transferor
14 municipality without restriction, the said municipality shall
15 have power to grant or convey such real estate or any portion
16 thereof to the transferee municipality upon such terms as may
17 be agreed upon by the corporate authorities of both
18 municipalities, by an instrument of conveyance signed by the
19 mayor, president or other chief executive of the transferor
20 municipality, attested by its clerk or secretary and sealed
21 with its corporate seal, all duly authorized by a resolution
22 passed by the vote of 2/3 of the members of the legislative
23 body of the transferor municipality then holding office, and
24 duly recorded in the office of the recorder in the county in
25 which said real estate is located. Provided, however, that any
26 municipality may, in the manner above provided, convey real

1 estate to a Public Building Commission organized and existing
2 pursuant to "An Act to authorize the creation of Public
3 Building Commissions and to define their rights, powers and
4 duties", approved July 5, 1955, as amended, when duly
5 authorized by a majority vote of the members of the legislative
6 body of such municipality then holding office whenever
7 provision is made in the conveyance for a reverter of the real
8 estate to such transferor municipality. The transferee
9 municipality shall thereafter have the right to use, occupy or
10 improve the real estate so transferred for any municipal or
11 public purpose and shall hold said real estate by the same
12 right, title and interest by which the transferor municipality
13 held said real estate immediately prior to said transfer.

14 (b) If any such real estate shall be held by the transferor
15 municipality subject to or limited by any restriction, and the
16 transferee municipality shall desire the use, occupation or
17 improvement thereof free from said restriction, the transferor
18 municipality (or the transferee municipality, in the name of
19 and for and on behalf of the transferor municipality, but
20 without subjecting the transferor municipality to any expense
21 without the consent of its corporate authorities), shall have
22 the power to secure from its grantor, or grantors, their heirs,
23 successors, assigns, or others, a release of any or all of such
24 restrictions upon such terms as may be agreed upon between
25 either of said municipalities and the person or persons
26 entitled to the benefit of said restrictions. Upon the

1 recording of any such release the transferor municipality shall
2 then have the powers granted in paragraph (a) of this Section.

3 (c) If either the transferor municipality or the transferee
4 municipality shall be unable to secure a release of any
5 restriction as above provided, the transferor municipality (or
6 the transferee municipality in the name of and for and in
7 behalf of the transferor municipality, but without subjecting
8 the transferor municipality to any expense without the consent
9 of its corporate authorities), shall have the power to file in
10 any circuit court a petition for the purpose of removing or
11 releasing said restriction and determining the compensation,
12 if any, to be paid in consequence thereof to the owner or
13 owners of said real estate, for any right, title or interest
14 which they or any of them may or might have in and to any such
15 real estate arising out of said restriction. If any
16 compensation shall be awarded, the same shall be measured by
17 the actual damage, if any, to the owner or owners of said real
18 estate, resulting from the removal or release of said
19 restriction, and shall be determined as of the date of the
20 filing of said petition. Upon the payment of such compensation
21 as may be awarded, if any, the transferor municipality shall
22 have the powers granted in paragraph (a) of this Section, and
23 said transferor municipality shall grant and convey the said
24 real estate to the transferee municipality upon the terms and
25 conditions theretofore agreed upon by the said municipalities
26 and in the manner provided for in paragraph (a) of this

1 Section.

2 (d) If the transferor municipality shall hold an easement
3 in any real estate for a particular purpose different from the
4 purpose for which the transferee municipality shall desire to
5 use, occupy or improve said real estate, the transferor
6 municipality (or the transferee municipality in the name of and
7 for and in behalf of the transferor municipality, but without
8 subjecting the transferor municipality to any expense without
9 the consent of its corporate authorities), shall have the power
10 to file in any circuit court a petition for the purpose of
11 terminating said easement and securing the right to use, occupy
12 and improve any such real estate for the purpose or purposes
13 set forth in said petition, and for determining the
14 compensation, if any, to be paid in consequence thereof to the
15 owner, or owners of said real estate. If any compensation shall
16 be awarded, the same shall be measured by the actual damage, if
17 any, to the owner or owners of said real estate, resulting from
18 the termination of the said easement and the granting of the
19 right sought in said petition, and shall be determined as of
20 the date of the filing of said petition. Upon the payment of
21 such compensation as may be awarded, if any, the easement held
22 by the transferor municipality shall in the final order entered
23 in such proceeding be declared terminated and the right of the
24 transferee municipality in said real estate shall be declared.
25 If the transferee municipality shall desire to use, occupy or
26 improve said real estate for the same purpose authorized by the

1 easement held by the transferor municipality, the transferor
2 municipality shall have the power to transfer said easement to
3 the transferee municipality by instrument of conveyance as
4 provided for in paragraph (a).

5 (e) If such real estate shall have been acquired or
6 improved by the transferor municipality under the Local
7 Improvements Act, or under the said Act in conjunction with any
8 other Act, and the times fixed for the payment of all
9 installments of the special assessments therefor have not
10 elapsed at the time the transferor and transferee
11 municipalities shall have reached an agreement for the transfer
12 of said real estate, the transferee municipality shall deposit
13 with the transferor municipality to be placed in the special
14 assessment funds authorized to be collected to pay the cost of
15 acquiring or improving said real estate, an amount sufficient
16 to pay (1) the installments of said special assessments not due
17 and payable at the time of the agreement for said transfer, and
18 (2) the amounts paid in advance by any property owner on
19 account of said special assessments, which, had such amounts
20 not been paid in advance, would have been due and payable after
21 the date of such agreement, and the transferor municipality
22 shall upon the receipt of such amount cause orders to be
23 entered in the courts in which said special assessments were
24 confirmed, cancelling the installments becoming due and
25 payable after the said time at which the transferor and
26 transferee municipalities shall have reached an agreement for

1 the transfer of said real estate, and releasing the respective
2 lots, tracts, and parcels of real estate assessed in any such
3 proceedings from the installments of the said assessments in
4 this paragraph authorized to be cancelled. The transferor
5 municipality shall after the entry of such orders of
6 cancellation refund to any property owner who has paid the same
7 in advance, any amounts which otherwise would have been due and
8 payable after the said time at which the transferor and
9 transferee municipalities shall have reached an agreement for
10 the transfer of said real estate. Upon the entry of such orders
11 of cancellation the transferor municipality shall then have the
12 powers granted in paragraph (a) of this Section.

13 (f) The procedure, for the removal of any restriction upon
14 the real estate of the transferor municipality, for the
15 termination of any easement of the transferor municipality in
16 said real estate and the declaration of another or different
17 right in the transferee municipality in said real estate, and
18 for the ascertainment of just compensation therefor, shall be
19 as near as may be like that provided for the exercise of the
20 power of eminent domain under the Eminent Domain Act.

21 (g) If any property shall be damaged by the release or
22 removal of any restrictions upon, or the termination of any
23 easement in, or the granting of a new right in any real estate
24 held by the transferor municipality, the same shall be
25 ascertained and paid as provided by law.

26 (h) Notwithstanding any provision of law to the contrary, a

1 municipality may convey property to a public agency subject
2 only to the terms and conditions set forth in an
3 intergovernmental agreement between the municipality and
4 public agency.

5 (Source: P.A. 94-1055, eff. 1-1-07.)

6 Section 10. The Illinois Municipal Code is amended by
7 changing Section 11-31-1 as follows:

8 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

9 Sec. 11-31-1. Demolition, repair, enclosure, or
10 remediation.

11 (a) The corporate authorities of each municipality may
12 demolish, repair, or enclose or cause the demolition, repair,
13 or enclosure of dangerous and unsafe buildings or uncompleted
14 and abandoned buildings within the territory of the
15 municipality and may remove or cause the removal of garbage,
16 debris, and other hazardous, noxious, or unhealthy substances
17 or materials from those buildings. In any county having adopted
18 by referendum or otherwise a county health department as
19 provided by Division 5-25 of the Counties Code or its
20 predecessor, the county board of that county may exercise those
21 powers with regard to dangerous and unsafe buildings or
22 uncompleted and abandoned buildings within the territory of any
23 city, village, or incorporated town having less than 50,000
24 population.

1 The corporate authorities shall apply to the circuit court
2 of the county in which the building is located (i) for an order
3 authorizing action to be taken with respect to a building if
4 the owner or owners of the building, including the lien holders
5 of record, after at least 15 days' written notice by mail so to
6 do, have failed to put the building in a safe condition or to
7 demolish it or (ii) for an order requiring the owner or owners
8 of record to demolish, repair, or enclose the building or to
9 remove garbage, debris, and other hazardous, noxious, or
10 unhealthy substances or materials from the building. It is not
11 a defense to the cause of action that the building is boarded
12 up or otherwise enclosed, although the court may order the
13 defendant to have the building boarded up or otherwise
14 enclosed. Where, upon diligent search, the identity or
15 whereabouts of the owner or owners of the building, including
16 the lien holders of record, is not ascertainable, notice mailed
17 to the person or persons in whose name the real estate was last
18 assessed and posting notice on the property for 15 days is
19 sufficient notice under this Section.

20 The hearing upon the application to the circuit court shall
21 be expedited by the court and shall be given precedence over
22 all other suits. Any person entitled to bring an action under
23 subsection (b) shall have the right to intervene in an action
24 brought under this Section.

25 The cost of the demolition, repair, enclosure, or removal
26 incurred by the municipality, by an intervenor, or by a lien

1 holder of record, including court costs, attorney's fees, and
2 other costs related to the enforcement of this Section, is
3 recoverable from the owner or owners of the real estate or the
4 previous owner or both if the property was transferred during
5 the 15 day notice period and is a lien on the real estate; the
6 lien is superior to all prior existing liens and encumbrances,
7 except taxes, if, within 180 days after the repair, demolition,
8 enclosure, or removal, the municipality, the lien holder of
9 record, or the intervenor who incurred the cost and expense
10 shall file a notice of lien for the cost and expense incurred
11 in the office of the recorder in the county in which the real
12 estate is located or in the office of the registrar of titles
13 of the county if the real estate affected is registered under
14 the Registered Titles (Torrens) Act.

15 The notice must consist of a sworn statement setting out
16 (1) a description of the real estate sufficient for its
17 identification, (2) the amount of money representing the cost
18 and expense incurred, and (3) the date or dates when the cost
19 and expense was incurred by the municipality, the lien holder
20 of record, or the intervenor. Upon payment of the cost and
21 expense by the owner of or persons interested in the property
22 after the notice of lien has been filed, the lien shall be
23 released by the municipality, the person in whose name the lien
24 has been filed, or the assignee of the lien, and the release
25 may be filed of record as in the case of filing notice of lien.
26 Unless the lien is enforced under subsection (c), the lien may

1 be enforced by foreclosure proceedings as in the case of
2 mortgage foreclosures under Article XV of the Code of Civil
3 Procedure or mechanics' lien foreclosures. An action to
4 foreclose this lien may be commenced at any time after the date
5 of filing of the notice of lien. The costs of foreclosure
6 incurred by the municipality, including court costs,
7 reasonable attorney's fees, advances to preserve the property,
8 and other costs related to the enforcement of this subsection,
9 plus statutory interest, are a lien on the real estate and are
10 recoverable by the municipality from the owner or owners of the
11 real estate.

12 All liens arising under this subsection (a) shall be
13 assignable. The assignee of the lien shall have the same power
14 to enforce the lien as the assigning party, except that the
15 lien may not be enforced under subsection (c).

16 If the appropriate official of any municipality determines
17 that any dangerous and unsafe building or uncompleted and
18 abandoned building within its territory fulfills the
19 requirements for an action by the municipality under the
20 Abandoned Housing Rehabilitation Act, the municipality may
21 petition under that Act in a proceeding brought under this
22 subsection.

23 (b) Any owner or tenant of real property within 1200 feet
24 in any direction of any dangerous or unsafe building located
25 within the territory of a municipality with a population of
26 500,000 or more may file with the appropriate municipal

1 authority a request that the municipality apply to the circuit
2 court of the county in which the building is located for an
3 order permitting the demolition, removal of garbage, debris,
4 and other noxious or unhealthy substances and materials from,
5 or repair or enclosure of the building in the manner prescribed
6 in subsection (a) of this Section. If the municipality fails to
7 institute an action in circuit court within 90 days after the
8 filing of the request, the owner or tenant of real property
9 within 1200 feet in any direction of the building may institute
10 an action in circuit court seeking an order compelling the
11 owner or owners of record to demolish, remove garbage, debris,
12 and other noxious or unhealthy substances and materials from,
13 repair or enclose or to cause to be demolished, have garbage,
14 debris, and other noxious or unhealthy substances and materials
15 removed from, repaired, or enclosed the building in question. A
16 private owner or tenant who institutes an action under the
17 preceding sentence shall not be required to pay any fee to the
18 clerk of the circuit court. The cost of repair, removal,
19 demolition, or enclosure shall be borne by the owner or owners
20 of record of the building. In the event the owner or owners of
21 record fail to demolish, remove garbage, debris, and other
22 noxious or unhealthy substances and materials from, repair, or
23 enclose the building within 90 days of the date the court
24 entered its order, the owner or tenant who instituted the
25 action may request that the court join the municipality as a
26 party to the action. The court may order the municipality to

1 demolish, remove materials from, repair, or enclose the
2 building, or cause that action to be taken upon the request of
3 any owner or tenant who instituted the action or upon the
4 municipality's request. The municipality may file, and the
5 court may approve, a plan for rehabilitating the building in
6 question. A court order authorizing the municipality to
7 demolish, remove materials from, repair, or enclose a building,
8 or cause that action to be taken, shall not preclude the court
9 from adjudging the owner or owners of record of the building in
10 contempt of court due to the failure to comply with the order
11 to demolish, remove garbage, debris, and other noxious or
12 unhealthy substances and materials from, repair, or enclose the
13 building.

14 If a municipality or a person or persons other than the
15 owner or owners of record pay the cost of demolition, removal
16 of garbage, debris, and other noxious or unhealthy substances
17 and materials, repair, or enclosure pursuant to a court order,
18 the cost, including court costs, attorney's fees, and other
19 costs related to the enforcement of this subsection, is
20 recoverable from the owner or owners of the real estate and is
21 a lien on the real estate; the lien is superior to all prior
22 existing liens and encumbrances, except taxes, if, within 180
23 days after the repair, removal, demolition, or enclosure, the
24 municipality or the person or persons who paid the costs of
25 demolition, removal, repair, or enclosure shall file a notice
26 of lien of the cost and expense incurred in the office of the

1 recorder in the county in which the real estate is located or
2 in the office of the registrar of the county if the real estate
3 affected is registered under the Registered Titles (Torrens)
4 Act. The notice shall be in a form as is provided in subsection
5 (a). An owner or tenant who institutes an action in circuit
6 court seeking an order to compel the owner or owners of record
7 to demolish, remove materials from, repair, or enclose any
8 dangerous or unsafe building, or to cause that action to be
9 taken under this subsection may recover court costs and
10 reasonable attorney's fees for instituting the action from the
11 owner or owners of record of the building. Upon payment of the
12 costs and expenses by the owner of or a person interested in
13 the property after the notice of lien has been filed, the lien
14 shall be released by the municipality or the person in whose
15 name the lien has been filed or his or her assignee, and the
16 release may be filed of record as in the case of filing a
17 notice of lien. Unless the lien is enforced under subsection
18 (c), the lien may be enforced by foreclosure proceedings as in
19 the case of mortgage foreclosures under Article XV of the Code
20 of Civil Procedure or mechanics' lien foreclosures. An action
21 to foreclose this lien may be commenced at any time after the
22 date of filing of the notice of lien. The costs of foreclosure
23 incurred by the municipality, including court costs,
24 reasonable attorneys' fees, advances to preserve the property,
25 and other costs related to the enforcement of this subsection,
26 plus statutory interest, are a lien on the real estate and are

1 recoverable by the municipality from the owner or owners of the
2 real estate.

3 All liens arising under the terms of this subsection (b)
4 shall be assignable. The assignee of the lien shall have the
5 same power to enforce the lien as the assigning party, except
6 that the lien may not be enforced under subsection (c).

7 (c) In any case where a municipality has obtained a lien
8 under subsection (a), (b), or (f), the municipality may enforce
9 the lien under this subsection (c) in the same proceeding in
10 which the lien is authorized.

11 A municipality desiring to enforce a lien under this
12 subsection (c) shall petition the court to retain jurisdiction
13 for foreclosure proceedings under this subsection. Notice of
14 the petition shall be served, by certified or registered mail,
15 on all persons who were served notice under subsection (a),
16 (b), or (f). The court shall conduct a hearing on the petition
17 not less than 15 days after the notice is served. If the court
18 determines that the requirements of this subsection (c) have
19 been satisfied, it shall grant the petition and retain
20 jurisdiction over the matter until the foreclosure proceeding
21 is completed. The costs of foreclosure incurred by the
22 municipality, including court costs, reasonable attorneys'
23 fees, advances to preserve the property, and other costs
24 related to the enforcement of this subsection, plus statutory
25 interest, are a lien on the real estate and are recoverable by
26 the municipality from the owner or owners of the real estate.

1 If the court denies the petition, the municipality may enforce
2 the lien in a separate action as provided in subsection (a),
3 (b), or (f).

4 All persons designated in Section 15-1501 of the Code of
5 Civil Procedure as necessary parties in a mortgage foreclosure
6 action shall be joined as parties before issuance of an order
7 of foreclosure. Persons designated in Section 15-1501 of the
8 Code of Civil Procedure as permissible parties may also be
9 joined as parties in the action.

10 The provisions of Article XV of the Code of Civil Procedure
11 applicable to mortgage foreclosures shall apply to the
12 foreclosure of a lien under this subsection (c), except to the
13 extent that those provisions are inconsistent with this
14 subsection. For purposes of foreclosures of liens under this
15 subsection, however, the redemption period described in
16 subsection (b) of Section 15-1603 of the Code of Civil
17 Procedure shall end 30 ~~60~~ days after the date of entry of the
18 order of foreclosure.

19 (d) In addition to any other remedy provided by law, the
20 corporate authorities of any municipality may petition the
21 circuit court to have property declared abandoned under this
22 subsection (d) if:

23 (1) the property is unoccupied by persons legally in
24 possession;

25 (2) the property has 2 or more years of delinquent
26 taxes or the property has had no water use for the past

1 year; and

2 (3) the property's condition impairs public health,
3 safety, or welfare for reasons specified in the petition.

4 ~~(1) the property has been tax delinquent for 2 or more~~
5 ~~years or bills for water service for the property have been~~
6 ~~outstanding for 2 or more years;~~

7 ~~(2) the property is unoccupied by persons legally in~~
8 ~~possession; and~~

9 ~~(3) the property contains a dangerous or unsafe~~
10 ~~building for reasons specified in the petition.~~

11 All persons having an interest of record in the property,
12 including tax purchasers and beneficial owners of any Illinois
13 land trust having title to the property, shall be named as
14 defendants in the petition and shall be served with process. In
15 addition, service shall be had under Section 2-206 of the Code
16 of Civil Procedure as in other cases affecting property.

17 The municipality, however, may proceed under this
18 subsection in a proceeding brought under subsection (a) or (b).
19 Notice of the petition shall be served in person or by
20 certified or registered mail on all persons who were served
21 notice under subsection (a) or (b).

22 If the municipality proves that the conditions described in
23 this subsection exist and (i) the owner of record of the
24 property does not enter an appearance in the action, or, if
25 title to the property is held by an Illinois land trust, if
26 neither the owner of record nor the owner of the beneficial

1 interest of the trust enters an appearance, or (ii) if the
2 owner of record or the beneficiary of a land trust, if title to
3 the property is held by an Illinois land trust, enters an
4 appearance and specifically waives his or her rights under this
5 subsection (d), the court shall declare the property abandoned.
6 Notwithstanding any waiver, the municipality may move to
7 dismiss its petition at any time. In addition, any waiver in a
8 proceeding under this subsection (d) does not serve as a waiver
9 for any other proceeding under law or equity.

10 If that determination is made, notice shall be sent in
11 person or by certified or registered mail to all persons having
12 an interest of record in the property, including tax purchasers
13 and beneficial owners of any Illinois land trust having title
14 to the property, stating that title to the property will be
15 transferred to the municipality unless, within 30 days of the
16 notice, the owner of record or any other person having an
17 interest in the property files with the court a request to
18 demolish all ~~the~~ dangerous or unsafe buildings ~~building~~ or to
19 put the property ~~building~~ in safe condition, or unless the
20 owner of record enters an appearance and proves that the owner
21 does not intend to abandon the property.

22 If the owner of record enters an appearance in the action
23 within the 30 day period, but does not at that time file with
24 the court a request to demolish any ~~the~~ dangerous or unsafe
25 building or to put the property ~~building~~ in safe condition, or
26 specifically waive his or her rights under this subsection (d),

1 the court shall vacate its order declaring the property
2 abandoned if it determines that the owner of record does not
3 intend to abandon the property. In that case, the municipality
4 may amend its complaint in order to initiate proceedings under
5 subsection (a), or it may request that the court order the
6 owner to demolish any unsafe or dangerous ~~the~~ building or
7 repair any ~~the~~ dangerous or unsafe conditions of the property
8 ~~building~~ alleged in the petition or seek the appointment of a
9 receiver or other equitable relief to correct the conditions at
10 the property. The powers and rights of a receiver appointed
11 under this subsection (d) shall include all of the powers and
12 rights of a receiver appointed under Section 11-31-2 of this
13 Code.

14 If a request to demolish a building or repair the property
15 ~~building~~ is filed within the 30 day period, the court shall
16 grant permission to the requesting party to demolish the
17 building or repair the property within ~~30 days or to restore~~
18 ~~the building to safe condition within~~ 60 days after the request
19 is granted. An extension of that period for up to 60 additional
20 days may be given for good cause. If more than one person with
21 an interest in the property files a timely request, preference
22 shall be given to the owner of record if the owner filed a
23 request or, if the owner did not, the person with the lien or
24 other interest of the highest priority.

25 If the requesting party (other than the owner of record)
26 proves to the court that the building has been demolished or

1 put in a safe condition in accordance with the local property
2 maintenance and building ~~safety~~ codes within the period of time
3 granted by the court, the court shall issue a quitclaim
4 judicial deed for the property to the requesting party,
5 conveying only the interest of the owner of record, upon proof
6 of payment to the municipality of all costs incurred by the
7 municipality in connection with the action, including but not
8 limited to court costs, attorney's fees, administrative costs,
9 the costs, if any, associated with any property maintenance
10 ~~building enclosure or removal~~, and receiver's certificates.
11 The interest in the property so conveyed shall be subject to
12 all liens and encumbrances on the property. In addition, if the
13 interest is conveyed to a person holding a certificate of
14 purchase for the property under the Property Tax Code, the
15 conveyance shall be subject to the rights of redemption of all
16 persons entitled to redeem under that Act, including the
17 original owner of record. If the requesting party is the owner
18 of record and proves to the court that the building has been
19 demolished or put in a safe condition in accordance with the
20 local safety codes within the period of time granted by the
21 court, the court shall dismiss the proceeding under this
22 subsection (d).

23 If the owner of record has not entered an appearance and
24 proven that the owner did not intend to abandon the property,
25 and if no person with an interest in the property files a
26 timely request or if the requesting party fails to demolish the

1 building or put the property building in safe condition within
2 the time specified by the court, the municipality may petition
3 the court to issue a judicial deed for the property to the
4 municipality or its designee, if the designee is a public
5 agency. A conveyance by judicial deed shall operate to
6 extinguish all existing ownership interests in, liens on, and
7 other interest in the property, including tax liens, and shall
8 extinguish the rights and interests of any and all holders of a
9 bona fide certificate of purchase of the property for
10 delinquent taxes. Any such bona fide certificate of purchase
11 holder shall be entitled to a sale in error as prescribed under
12 Section 21-310 of the Property Tax Code.

13 (e) Each municipality may use the provisions of this
14 subsection to expedite the removal of certain buildings that
15 are a continuing hazard to the community in which the buildings
16 ~~they~~ are located.

17 If a residential or commercial building is 3 stories or
18 less in height as defined by the municipality's building code,
19 and the corporate official designated to be in charge of
20 enforcing the municipality's building code determines that the
21 building is open and vacant and an immediate and continuing
22 hazard to the community in which the building is located, then
23 the official shall be authorized to post a notice not less than
24 2 feet by 2 feet in size on the front of the building. The
25 notice shall be dated as of the date of the posting and shall
26 state that unless the building is demolished, repaired, or

1 enclosed, and unless any garbage, debris, and other hazardous,
2 noxious, or unhealthy substances or materials are removed so
3 that an immediate and continuing hazard to the community no
4 longer exists, then the building may be demolished, repaired,
5 or enclosed, or any garbage, debris, and other hazardous,
6 noxious, or unhealthy substances or materials may be removed,
7 by the municipality.

8 Not later than 30 days following the posting of the notice,
9 the municipality shall do all of the following:

10 (1) Cause to be sent, by certified mail, return receipt
11 requested, a Notice to Remediate to all owners of record of
12 the property, the beneficial owners of any Illinois land
13 trust having title to the property, and all lienholders of
14 record in the property, stating the intent of the
15 municipality to demolish, repair, or enclose the building
16 or remove any garbage, debris, or other hazardous, noxious,
17 or unhealthy substances or materials if that action is not
18 taken by the owner or owners.

19 (2) Cause to be published, in a newspaper published or
20 circulated in the municipality where the building is
21 located, a notice setting forth (i) the permanent tax index
22 number and the address of the building, (ii) a statement
23 that the property is open and vacant and constitutes an
24 immediate and continuing hazard to the community, and (iii)
25 a statement that the municipality intends to demolish,
26 repair, or enclose the building or remove any garbage,

1 debris, or other hazardous, noxious, or unhealthy
2 substances or materials if the owner or owners or
3 lienholders of record fail to do so. This notice shall be
4 published for 3 consecutive days.

5 (3) Cause to be recorded the Notice to Remediate mailed
6 under paragraph (1) in the office of the recorder in the
7 county in which the real estate is located or in the office
8 of the registrar of titles of the county if the real estate
9 is registered under the Registered Title (Torrens) Act.

10 Any person or persons with a current legal or equitable
11 interest in the property objecting to the proposed actions of
12 the corporate authorities may file his or her objection in an
13 appropriate form in a court of competent jurisdiction.

14 If the building is not demolished, repaired, or enclosed,
15 or the garbage, debris, or other hazardous, noxious, or
16 unhealthy substances or materials are not removed, within 30
17 days of mailing the notice to the owners of record, the
18 beneficial owners of any Illinois land trust having title to
19 the property, and all lienholders of record in the property, or
20 within 30 days of the last day of publication of the notice,
21 whichever is later, the corporate authorities shall have the
22 power to demolish, repair, or enclose the building or to remove
23 any garbage, debris, or other hazardous, noxious, or unhealthy
24 substances or materials.

25 The municipality may proceed to demolish, repair, or
26 enclose a building or remove any garbage, debris, or other

1 hazardous, noxious, or unhealthy substances or materials under
2 this subsection within a 180-day ~~120-day~~ period following the
3 date of the mailing of the notice if the appropriate official
4 determines that the demolition, repair, enclosure, or removal
5 of any garbage, debris, or other hazardous, noxious, or
6 unhealthy substances or materials is necessary to remedy the
7 immediate and continuing hazard. If, however, before the
8 municipality proceeds with any of the actions authorized by
9 this subsection, any person with a legal or equitable interest
10 in the property has sought a hearing under this subsection
11 before a court and has served a copy of the complaint on the
12 chief executive officer of the municipality, then the
13 municipality shall not proceed with the demolition, repair,
14 enclosure, or removal of garbage, debris, or other substances
15 until the court determines that that action is necessary to
16 remedy the hazard and issues an order authorizing the
17 municipality to do so. If the court dismisses the action for
18 want of prosecution, the municipality must send the objector a
19 copy of the dismissal order and a letter stating that the
20 demolition, repair, enclosure, or removal of garbage, debris,
21 or other substances will proceed unless, within 30 days after
22 the copy of the order and the letter are mailed, the objector
23 moves to vacate the dismissal and serves a copy of the motion
24 on the chief executive officer of the municipality.
25 Notwithstanding any other law to the contrary, if the objector
26 does not file a motion and give the required notice, if the

1 motion is denied by the court, or if the action is again
2 dismissed for want of prosecution, then the dismissal is with
3 prejudice and the demolition, repair, enclosure, or removal may
4 proceed forthwith.

5 Following the demolition, repair, or enclosure of a
6 building, or the removal of garbage, debris, or other
7 hazardous, noxious, or unhealthy substances or materials under
8 this subsection, the municipality may file a notice of lien
9 against the real estate for the cost of the demolition, repair,
10 enclosure, or removal incurred by the municipality or its
11 agent, including court costs, attorney's fees, and other costs
12 related to the enforcement of this Section, including, but not
13 limited to: appraisals; environmental reviews; costs assessing
14 the risks; police and public safety costs; and building
15 inspector costs. The notice must be filed within 180 days after
16 the completion of the repair, demolition, enclosure, or removal
17 ~~occurred~~, for the cost and expense incurred, in the office of
18 the recorder in the county in which the real estate is located
19 or in the office of the registrar of titles of the county if
20 the real estate affected is registered under the Registered
21 Titles (Torrens) Act. The costs incurred by a municipality is a
22 lien on the real estate. Liens under this paragraph have, ~~this~~
23 ~~lien has~~ priority over the interests of those parties named in
24 the Notice to Remediate mailed under paragraph (1), but not
25 over the interests of third party purchasers or encumbrancers
26 for value who obtained their interests in the property before

1 obtaining actual or constructive notice of the lien. Costs
2 incurred under this subsection (e) are also recoverable from
3 the owner or owners of the real estate, or from the previous
4 owner if the property is transferred following the recording of
5 the notice of intent to demolish as provided for under this
6 Section, in the manner as provided for in subsection (g). The
7 notice of lien shall consist of a sworn statement setting forth
8 (i) a description of the real estate, such as the address or
9 other description of the property, sufficient for its
10 identification; (ii) the expenses incurred by the municipality
11 in undertaking the remedial actions authorized under this
12 subsection; (iii) the date or dates the expenses were incurred
13 by the municipality; (iv) a statement by the corporate official
14 responsible for enforcing the building code that the building
15 was open and vacant and constituted an immediate and continuing
16 hazard to the community; (v) a statement by the corporate
17 official that the required sign was posted on the building,
18 that notice was sent by certified mail to the owners of record,
19 and that notice was published in accordance with this
20 subsection; and (vi) a statement as to when and where the
21 notice was published. The lien authorized by this subsection
22 may thereafter be released or enforced by the municipality as
23 provided in subsection (a).

24 (f) The corporate authorities of each municipality may
25 remove or cause the removal of, or otherwise environmentally
26 remediate hazardous substances and petroleum products on, in,

1 or under any abandoned and unsafe property within the territory
2 of a municipality. In addition, where preliminary evidence
3 indicates the presence or likely presence of a hazardous
4 substance or a petroleum product or a release or a substantial
5 threat of a release of a hazardous substance or a petroleum
6 product on, in, or under the property, the corporate
7 authorities of the municipality may inspect the property and
8 test for the presence or release of hazardous substances and
9 petroleum products. In any county having adopted by referendum
10 or otherwise a county health department as provided by Division
11 5-25 of the Counties Code or its predecessor, the county board
12 of that county may exercise the above-described powers with
13 regard to property within the territory of any city, village,
14 or incorporated town having less than 50,000 population.

15 For purposes of this subsection (f):

16 (1) "property" or "real estate" means all real
17 property, whether or not improved by a structure;

18 (2) "abandoned" means;

19 (A) the property has been tax delinquent for 2 or
20 more years;

21 (B) the property is unoccupied by persons legally
22 in possession; and

23 (3) "unsafe" means property that presents an actual or
24 imminent threat to public health and safety caused by the
25 release of hazardous substances; and

26 (4) "hazardous substances" means the same as in Section

1 3.215 of the Environmental Protection Act.

2 The corporate authorities shall apply to the circuit court
3 of the county in which the property is located (i) for an order
4 allowing the municipality to enter the property and inspect and
5 test substances on, in, or under the property; or (ii) for an
6 order authorizing the corporate authorities to take action with
7 respect to remediation of the property if conditions on the
8 property, based on the inspection and testing authorized in
9 paragraph (i), indicate the presence of hazardous substances or
10 petroleum products. Remediation shall be deemed complete for
11 purposes of paragraph (ii) above when the property satisfies
12 Tier I, II, or III remediation objectives for the property's
13 most recent usage, as established by the Environmental
14 Protection Act, and the rules and regulations promulgated
15 thereunder. Where, upon diligent search, the identity or
16 whereabouts of the owner or owners of the property, including
17 the lien holders of record, is not ascertainable, notice mailed
18 to the person or persons in whose name the real estate was last
19 assessed is sufficient notice under this Section.

20 The court shall grant an order authorizing testing under
21 paragraph (i) above upon a showing of preliminary evidence
22 indicating the presence or likely presence of a hazardous
23 substance or a petroleum product or a release of or a
24 substantial threat of a release of a hazardous substance or a
25 petroleum product on, in, or under abandoned property. The
26 preliminary evidence may include, but is not limited to,

1 evidence of prior use, visual site inspection, or records of
2 prior environmental investigations. The testing authorized by
3 paragraph (i) above shall include any type of investigation
4 which is necessary for an environmental professional to
5 determine the environmental condition of the property,
6 including but not limited to performance of soil borings and
7 groundwater monitoring. The court shall grant a remediation
8 order under paragraph (ii) above where testing of the property
9 indicates that it fails to meet the applicable remediation
10 objectives. The hearing upon the application to the circuit
11 court shall be expedited by the court and shall be given
12 precedence over all other suits.

13 The cost of the inspection, testing, or remediation
14 incurred by the municipality or by a lien holder of record,
15 including court costs, attorney's fees, and other costs related
16 to the enforcement of this Section, is a lien on the real
17 estate; except that in any instances where a municipality
18 incurs costs of inspection and testing but finds no hazardous
19 substances or petroleum products on the property that present
20 an actual or imminent threat to public health and safety, such
21 costs are not recoverable from the owners nor are such costs a
22 lien on the real estate. The lien is superior to all prior
23 existing liens and encumbrances, except taxes and any lien
24 obtained under subsection (a) or (e), if, within 180 days after
25 the completion of the inspection, testing, or remediation, the
26 municipality or the lien holder of record who incurred the cost

1 and expense shall file a notice of lien for the cost and
2 expense incurred in the office of the recorder in the county in
3 which the real estate is located or in the office of the
4 registrar of titles of the county if the real estate affected
5 is registered under the Registered Titles (Torrens) Act.

6 The notice must consist of a sworn statement setting out
7 (i) a description of the real estate sufficient for its
8 identification, (ii) the amount of money representing the cost
9 and expense incurred, and (iii) the date or dates when the cost
10 and expense was incurred by the municipality or the lien holder
11 of record. Upon payment of the lien amount by the owner of or
12 persons interested in the property after the notice of lien has
13 been filed, a release of lien shall be issued by the
14 municipality, the person in whose name the lien has been filed,
15 or the assignee of the lien, and the release may be filed of
16 record as in the case of filing notice of lien.

17 The lien may be enforced under subsection (c) or by
18 foreclosure proceedings as in the case of mortgage foreclosures
19 under Article XV of the Code of Civil Procedure or mechanics'
20 lien foreclosures; provided that where the lien is enforced by
21 foreclosure under subsection (c) or under either statute, the
22 municipality may not proceed against the other assets of the
23 owner or owners of the real estate for any costs that otherwise
24 would be recoverable under this Section but that remain
25 unsatisfied after foreclosure except where such additional
26 recovery is authorized by separate environmental laws. An

1 action to foreclose this lien may be commenced at any time
2 after the date of filing of the notice of lien. The costs of
3 foreclosure incurred by the municipality, including court
4 costs, reasonable attorney's fees, advances to preserve the
5 property, and other costs related to the enforcement of this
6 subsection, plus statutory interest, are a lien on the real
7 estate.

8 All liens arising under this subsection (f) shall be
9 assignable. The assignee of the lien shall have the same power
10 to enforce the lien as the assigning party, except that the
11 lien may not be enforced under subsection (c).

12 (g) In any case where a municipality has obtained a lien
13 under subsection (a) or (e), the municipality may also bring an
14 action for a money judgment against the owner or owners of the
15 real estate in the amount of the lien in the same manner as
16 provided for bringing causes of action in Article II of the
17 Code of Civil Procedure and, upon obtaining a judgment, file a
18 judgment lien against all of the real estate of the owner or
19 owners and enforce that lien as provided for in Article XII of
20 the Code of Civil Procedure.

21 (h) Under this Section:

22 "Demolition" includes, but is not limited to: the
23 destruction and removal of structures on a certain parcel,
24 including accessory structures and any foundation,
25 disconnection of any utilities, repair of the soils to grade
26 level and installation of grass or other greenery on the

1 parcel.

2 "Public agency" means a municipality or county of the State
3 of Illinois and any combination of municipalities and counties
4 pursuant to an intergovernmental agreement that includes
5 provisions for a governing body of the agency created by the
6 agreement.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-931, eff. 1-1-09.)".